

MONTEREY COUNTY



DEPARTMENT OF HEALTH Ray Bullick, Director

ANIMAL SERVICES
BEHAVIORAL HEALTH
CLINIC SERVICES

EMERGENCY MEDICAL SERVICES
ENVIRONMENTAL HEALTH

PUBLIC HEALTH
PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

January 14, 2016

Laguna Seca Recreation Area Water System
ATTN: Richard Riddle/ Supervising Park Ranger
1025 Monterey Salinas Highway 68
Salinas, CA 93908

RE: Compliance Order No. 16-001
Laguna Seca Recreation Area Water System, ID # 270-2009

Dear Mr. Riddle,

The California Health and Safety Code (H&SC), Section 116655, gives the Monterey County Health Department, Environmental Health Bureau, (EHB) authority to issue Orders directing compliance with the Health and Safety Code, Division 104, Part 12, Chapter 4 (a.k.a., the Safe Drinking Water Act), and with any permit, standard, or regulation issued or adopted pursuant to said Chapter. This Compliance Order directs the referenced water system to comply with State regulations and domestic water permit conditions by supplying specified documents and information.

The H&SC requires that a water system shall reimburse EHB for costs incurred in enforcement activities related to said system. Enforcement activities include preparing, issuing, and monitoring compliance with an order or citation; preparing and issuing public notification; and conducting a permit suspension or revocation hearing. Our costs, based on our current hourly rate, will be charged to the above water system for any further enforcement. If you have any questions regarding this compliance order, please contact this office at 755-4552.

Sincerely,

John Ramirez, M.P.A., R.E.H.S.
Director, Environmental Health Bureau

Enclosure: Compliance Order No.16-001

cc: Cheryl Sandoval, Supervising Environmental Health Specialist
Jan Sweigert, District Engineer, State Water Resource Control Board

non-transient non-community water system located in Monterey County that supplies water for domestic purposes to approximately 500 individuals through approximately 1 service connections. The Water System operates under a Domestic Water Supply Permit issued on January 21, 1998. The Water System is a non-transient, non-community public water system as defined in CHSC, section 116275.

The Water System utilizes 2 groundwater wells as its sources of domestic water. Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. Non-transient, Non-community water systems must comply with the maximum contaminant level for arsenic of 0.010 mg/L, as established in Title 22 CCR Section 64431. This arsenic standard became effective on November 28, 2008.

Samples collected from the Water System in 2008 showed arsenic concentrations of 0.016 mg/L in Well 01 and 0.013 mg/L in Well 02. Therefore, in accordance with Section 64431 (g), the Water System was required to begin quarterly arsenic monitoring of the wells, which the water system was already collecting. Section 64431 (i) provides that compliance with the arsenic MCL is based on a "running annual average" (RAA) of the quarterly monitoring samples, computed each quarter. Further, Section 64431 (i) states: "if any one sample would cause the annual average to exceed the MCL, the system is immediately

DETERMINATIONS

Based on the above Statement of Facts, the Department has determined that the Water System and its owner of record have violated CHSC, Section 116555 and Section 64431 in that the water produced by Well 01 and well 02 during the 3rd quarter of 2009 exceeded the arsenic MCL as shown in Table 1 above, and further has determined that said violation has continued from 2009 through the date of this Order.

DIRECTIVES

Water System and its owner of record are hereby directed to take the following actions:

1. On or before March 31, 2018, comply with Title 22, CCR, Section 64431 and remain in compliance.
2. On or before March 31, 2016, submit a written response to the Department indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.
3. Commencing on the date of service of this Order, provide quarterly public notification in accordance with Attachment A, hereto, of Water System's failure to meet the arsenic MCL during any calendar quarter that the four-quarter running annual average exceeds the MCL.

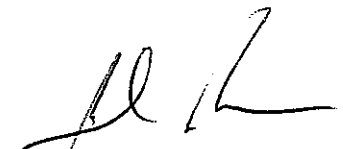
- 113 7. On or before March 31, 2016, present the Corrective Action Plan required
114 under Directive No. 6, above, to the Department in person at the
115 Department's offices located at 1270 Natividad Road, Salinas, California.
116
- 117 8. Timely perform the Department approved Corrective Action Plan and each
118 and every element of said plan according to the time schedule set forth
119 therein.
120
- 121 9. On or before September 30, 2016 and every six months thereafter, submit
122 a report to the Department in the form provided as Attachment D, hereto,
123 showing actions taken during the previous calendar six months to comply
124 with the Corrective Action Plan. An electronic copy of the form is available
125 from the Department.
126
- 127 10. Not later than ten (10) days following the date of compliance with the
128 arsenic MCL, demonstrate to the Department that the water delivered by
129 Water System complies with the arsenic MCL.
130
- 131 11. Notify the Department in writing no later than five (5) days prior to the
132 deadline for performance of any Directive set forth herein if Water System
133 and/or its owner of record anticipates it will not timely meet such
134 performance deadline.

SEVERABILITY

The Directives of this Order are severable, and Water System and its owner of record shall comply with each and every provision hereof, notwithstanding the effectiveness of any other provision.

FURTHER ENFORCEMENT ACTION

The California SDWA and the California Code of Regulations authorizes the Department to: issue a citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Department to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the Department; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the Department. The Department does not waive any further enforcement action by issuance of this Order.



John Ramirez, MPA, REHS
Director Environmental Health Bureau
1270 Natividad Rd. Salinas CA 93906

1-14-16

Date

APPENDIX 1

APPLICABLE AUTHORITIES

CHSC, Section 116555(a)(1) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.

CHSC, Section 116655 states in relevant part:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Title 22, CCR, Section 64431 (hereinafter "Section 64431"), states in relevant part:

(2) Inform the Department within seven days from the receipt of the analysis and, as confirmation, collect one additional sample within 14 days from receipt of the analysis. If the average of the two samples collected exceeds the MCL, this information shall be reported to the Department within 48 hours and the water supplier shall monitor quarterly beginning in the next quarter after the exceedance occurred.

(h) If the concentration of an inorganic chemical exceeds ten times the MCL, within 48 hours of receipt of the result the water supplier shall notify the Department and resample as confirmation. The water supplier shall notify the Department of the result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation result(s).

(1) If the average concentration of the original and confirmation sample(s) is less than or equal to ten times the MCL, the water supplier shall monitor quarterly beginning in the quarter following the quarter in which the exceedance occurred.

(2) If the average concentration of the original and confirmation sample(s) exceeds ten times the MCL, the water supplier shall, if directed by the Department;

(A) Immediately discontinue use of the contaminated water source; and

(B) Not return the source to service without written approval from the Department.

(i) Compliance with the MCLs shall be determined by a running annual average; if any one sample would cause the annual average to exceed the MCL, the system is immediately in violation. If a system takes more than one sample in a quarter, the average of all the results for that quarter shall be used when calculating the running annual average. If a system fails to complete four consecutive quarters of monitoring, the running annual average shall be based on an average of the available data.

Section 64258. Enforcement.

(a) A local primacy agency shall take enforcement actions as necessary to assure that all small water systems under the jurisdiction of the local primacy agency are in compliance with Division 104, Part 1, Chapters 4 and 5; Division 104, Part 12, Chapters 4 and 5 of the Health and Safety Code, and California Code of Regulations, Title 17, Division 1, Chapter 5, Group 4 and Title 22, Division 4, Chapters 14, 15, 15.5, 16, 17, and 17.5.

AN IMPORTANT NOTICE REQUIRED BY THE MONTEREY COUNTY HEALTH DEPARTMENT

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

Laguna Seca Recreational Water System, ID #2702209

SUBJECT: **Arsenic Quality Standard Failure**

DATE: _____

This notification of all water consumers is being performed in compliance with the laws and regulations of the California State Water Resource Control Board and the Monterey County Environmental Health Bureau (EHB) to keep you fully informed about your drinking water. Chemical analyses indicates that the arsenic content in the water supply exceeds the maximum permissible level set by the State and Federal Drinking Water Regulations. The most recent arsenic test result collected from (site) _____ on _____ was _____ ppb.

HEALTH REGULATIONS BEING VIOLATED: Title 22, *California Code of Regulations*. To protect consumers served by public water systems from the health risks of long-term (chronic) arsenic exposure, the USEPA lowered the arsenic MCL from 50 ppb to 10 ppb, which became effective in 2006. California was required to implement this new standard, and on November 28, 2008, California's new arsenic maximum contaminant level of 10 ppb became effective.

MAXIMUM ALLOWABLE CONTAMINATION LEVEL (MCL): 10 parts per billion (ppb)

SIGNIFICANCE/RISKS OF ARSENIC: Some people who drink water containing arsenic in excess of MCL over many years may experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.

EHB IS RECOMMENDING THE USE OF BOTTLED WATER OR WATER FROM AN APPROVED SOURCE FOR DRINKING, COOKING, OR ORAL HYGIENE PURPOSES FOR ALL PERSONS ON THE SYSTEM. CARE SHOULD BE TAKEN IN HANDLING AND TRANSPORTING WATER TO PREVENT BACTERIOLOGICAL CONTAMINATION.

ACTION TAKEN TO CORRECT VIOLATION:

SCHOOLS, OWNER OR OPERATOR OF RESIDENTIAL RENTAL PROPERTY, OR OWNER OR OPERATOR OF BUSINESS PROPERTY: Section 116450 of the California Health and Safety Code requires us to provide this notification of the following: Schools or school systems shall notify school employees, students, and parents if students are minors; owner or operator of residential rental property shall notify tenants; and owner or operator of business property shall notify employees. This notice shall be given within 10 days upon receipt of this notification.

Additionally, if a property owner sells property served by this water system, the seller is responsible for ensuring the buyers are informed of the current water quality and precautions to be taken

FOR FURTHER INFORMATION CONTACT: _____

CONTACT PERSON NAME

WATER SYSTEM NAME

PHONE #

THIS NOTICE IS TO REMAIN IN EFFECT UNTIL PROBLEM IS RESOLVED AND HEALTH
DEPARTMENT GIVES CLEARANCE

PROOF OF NOTIFICATION

As required by Section 116450 of the California Health and Safety Code (H&SC), I notified all users of water supplied by the:

Laguna Seca Rec Water System, ID #270-2009

of the maximum contaminant level (MCL) failure for Arsenic for the _____ Quarter of _____ yr. Pursuant to Section 116450(f) in any case where public notification is required because a contaminant is present in drinking water at a level in excess of a primary drinking water standard, the notification shall include identification of the contaminant, information on possible effects of the contaminant on human health, and information on specific measures that should be taken by persons or populations who might be more acutely affected than the general population.

Notification was performed on _____
(Date)

via _____
(method of distribution)

Attachment 4

Arsenic Corrective Action Plan Progress Report

Water System Name:

If not yet determined, what is planned action and schedule to make determination?

3. Treatment (What vendors/engineers have been contacted? What technologies have been considered? Can the system blend with a compliant well? Has treatment discharge or spent media disposal been evaluated? Have potential interfering constituents been considered? Are you doing any testing for interfering constituents? What are the costs of installation and operations? Any major issues/challenges?)

Is this a viable option? ☐yes ☐no ☐not yet determined

If not yet determined, what is planned action and schedule to make determination?

4. Other (including a combination of options)?

Is this a viable option? ☐yes ☐no ☐not yet determined

If not yet determined, what is planned action and schedule to make determination?

After consideration of available options, what is your preferred option?

☐

- ☐ not yet determined (the time line to make a determination needs to be included in the sections above. Funding for a feasibility study to determine preferred option may be available through the State Water Resource Control Board –see item C.2.b.

B. IMPLEMENTATION OF COMPLIANCE OPTION

Once the preferred compliance option has been determined, complete the information below

1. What progress has been made towards implementing chosen compliance option (check and complete information under chosen option. The questions are only a guide. Please detail all information known to date and what additional information is needed.-the timeline for completion shall be detailed in section D)

Water System Name:

☐ Don't plan to apply

- D. **TIMELINE:** The timeline shall include milestones for determining compliance option, implementing option (design, construction, startup), and securing funding. The final date for achieving compliance is June 30, 2018. A progress report will be due each September 30th and March 31st and must show adequate progress towards compliance to avoid further enforcement action

Date:

Milestone: Determine compliance option (detail timeline in Section A)

Date:

Milestone:

Date:

Milestone:

Date:

Milestone:

Date:

Milestone:

Date:

Milestone:

Report submitted by:

Name _____

Date: _____

Signature: _____

Water System Name:

C. FUNDING:

What is the water system's planned source of funding? _____

If source of funding is not yet determined, use section C in the original Arsenic Corrective Action Plan template to update progress.

Detail the progress that has been made since last submitted report. Also detail your planned actions for the next six months. If water system is applying for funding through the State Water Resource Control Board (SWRCB) Funding Program, include a copy of all correspondence received from the SWRCB since your last progress report.

D. TIMELINE:

Have you complied with all milestones in your Arsenic Correction Action Plan?

☐ yes ☐ no

If no, please explain why not.

Do you need to propose any changes to the timeline?

☐ yes ☐ no

If yes, please indicate the proposed change and the reason for requesting the change.

Report submitted by:

Name _____

Date: _____

Signature: _____